



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

**JUN 15 2010**

**Jonathan Hotaling**

**Colorado Springs, CO 80907**

**RE: MUR 6038**  
**Jonathan Hotaling**

**Dear Mr. Hotaling:**

On July 18, 2010, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). On April 27, 2010, the Commission found, on the basis of the information in the complaint and information provided by you, that there is no reason to believe that Jonathan Hotaling violated the Act. Accordingly, on June 4, 2010, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). The Factual and Legal Analysis, which explains the Commission's no reason to believe finding, is enclosed for your information.

If you have any questions, please contact Joshua Smith, the attorney assigned to this matter at (202) 694-1624.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie McConnell", is written over the typed name.

**Julie McConnell**  
**Assistant General Counsel**

**Enclosure**  
**Factual and Legal Analysis**

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**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

**Respondent: Liberty Service Corp. and  
Jonathan Hotaling**

**MUR: 6038**

1        This matter arises out of a complaint alleging that Lamborn for Congress ("Lamborn  
2   Committee") coordinated its communications with Club for Growth State Action ("Club for  
3   Growth") and Christian Coalition of Colorado ("Christian Coalition") through flyers attacking  
4   Doug Lamborn's primary opponents during his 2006 campaign for Colorado's 5<sup>th</sup> Congressional  
5   District.

6        The complaint alleges that in 2006, Tactical Data Solutions, Inc. ("TDS"), a political data  
7   firm, collected and sold voter data information for Colorado's 5<sup>th</sup> CD primary election to  
8   (1) Liberty Service Corp. (a/k/a Liberty Media), a sub-vendor owned and operated by Jonathan  
9   Hotaling, Lamborn's campaign manager, which in turn sold the data to Lamborn for Congress;  
10   (2) Blue Point, LLC, a sub-vendor referred to TDS by Jonathan Hotaling, which in turn sold the  
11   data to Club for Growth; and (3) Christian Coalition, run by Mark Hotaling, the brother of  
12   Jonathan Hotaling. The complaint further alleges that Jonathan Hotaling, while serving on the  
13   Board of TDS, instructed a TDS employee to provide the Lamborn Committee voter list data to  
14   Christian Coalition.

15        In response, Jonathan Hotaling admits that Liberty Service purchased data from TDS but  
16   states that neither he nor the Lamborn Committee ever expressed the needs, wants, or desires of  
17   the campaign to the other entities alleged in the complaint. Hotaling also asserts that none of the  
18   conversations he allegedly had with Alan Farina, who supplied an affidavit in support of the  
19   complaint, actually occurred, and Hotaling claims that Farina is a disgruntled employee who  
20   joined with the Jeff Crank campaign to discredit Lamborn.

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However, even if the allegations are true, the actions by vendor Liberty Service and its owner, Jonathan Hotaling, do not appear to be a violation of the Federal Election Campaign Act of 1971, as amended ("Act"). Therefore, since there is no liability based on facts within the complaint and on publicly-available information, the Commission finds no reason to believe that Liberty Service Corp. and Jonathan Hotaling violated the Act.

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